

**REMARKS**

Prior to the present Amendment, claims 1-4, 6-10, 12, 14, 17-20, and 22-28 were all the claims pending in the application. By this Amendment, Applicant has canceled claims 1-4, 6-10, 12, 14, 17-20 and 26-28 without prejudice or disclaimer. Thus, upon entry of the present Amendment, claims 22-25 will be all the claims pending in the application.

**I. Claim Rejection Under 35 U.S.C. § 102**

Claims 20 and 22-28 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,084,617 to Balazer ("Balazer"). Applicant respectfully traverses the rejection as follows.

Amended claim 22 recites,

A liquid ejecting apparatus comprising  
a carriage that reciprocates in a main scanning direction,  
a liquid ejecting head mounted on the carriage, and  
a liquid-room-forming member mounted on the carriage,  
having a liquid-room opening and a liquid-communication-way  
groove that are communicated with the liquid ejecting head and  
with a liquid supplying source, wherein  
the liquid-room opening and the liquid-communication-  
way groove are provided in a same first surface of the liquid-room-  
forming member and covered by a common film member, and  
the common film member covering the liquid-room  
opening and the liquid-communication-way groove is arranged  
substantially parallel to the main scanning direction.

The Examiner maintains that diaphragm 50 shown in Fig. 6 of Balazer corresponds to the claimed common film member. However, Balazer teaches that diaphragm 50 is arranged vertically, or perpendicular to the main scanning direction. *See* Balazer at Fig. 6; col. 4, lines 27-33. In addition, Figures 7-9 of Balazer teach that the respective right walls of four ink-rooms

include respective bellows diaphragms, which are not in the same plane and are not substantially parallel to the main scanning direction. Therefore, Balazer fails to teach or suggest that the common film member covering the liquid-room opening and the liquid-communication-way groove is arranged substantially parallel to the main scanning direction.

Furthermore, the diaphragm 50 of Balazer cannot correspond to the common film member of claim 22, because the diaphragm 50 does not close both antechamber 68 and standpipe 72, which the Examiner alleges corresponds to the claimed liquid-room opening and liquid-communication-way groove. This is very clear if Fig. 6 is seen together with Fig. 5 of Balazer. In fact, Fig. 6 is a sectional view of Fig. 5, and the specification of Balazer explains Figs. 5 and 6 at the same time (see column 4, lines 27-33). Therefore, Figs. 5 and 6 should be construed such that Figs. 5 and 6 have no technical discrepancy between each other.

Accordingly, Applicant submits that claim 22 is patentable over Balazer because Balazer fails to teach or suggest all of the features of claim 22. Since claims 23-25 are dependent upon claim 22, Applicant submits that such claims are patentable at least by virtue of their dependency. Since claims 20 and 26-28 have been canceled without prejudice or disclaimer, Applicant submits that the rejection of such claims is now moot.

## **II. Claim Rejection Under 35 U.S.C. § 103**

Claims 1-4, 6-10, 12, 14, 17-19, and 26 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Balazer in view of U.S. Patent No. 6,213,600 to Kobayashi et al. (“Kobayashi”).

Since claims 1-4, 6-10, 12, 14, 17-19, and 26 have been canceled without prejudice or disclaimer, Applicant submits that the rejection of such claims is moot.

### **III. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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